REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

All but one of the eleven (11) rejections over the prior art set forth in the outstanding Office Action appear to be repeated, *verbatim*, from the previous Office Action of June 18, 2003. Rejection 5) below appears to be the exception to the above assessment of the outstanding Office Action, and will therefore be addressed accordingly. Thus, for at least the reasons set forth in the Amendment of November 18, 2003 **and** the reasons provided below to counter the "Response to Arguments" that begin on page 23 of the outstanding Office Action, the Applicant respectfully traverses the following rejections and requests that the rejections be reconsidered and withdrawn.

1) Claims 1, 3, 5, 9, 12, 13, 15-17, 21, and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by Bronson (U.S. Patent 5,136,655);

2) Claims 25, 27, 33 and 38 were rejected under 35 U.S.C. §102(a) and (e) as being anticipated by Kenner, et al. (U.S. Patent 5,956,716; hereafter "Kenner");

3) Claims 2, 4, 10, 11, 14, 18-20, 28, and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bronson in view of Kenner;

4) Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bronson in view of Kalra, et al. (U.S. Patent 5,953,506; hereafter "Kalra");

5) Claims 7, 8, 44, and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bronson in view of Abbott, et al. (U.S. Patent 5,973,679; hereafter "Abbott");

6) Claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bronson;

7) Claims 23 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bronson in view of Kenner and Abbott;

8) Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of Abbott;

9) Claim 34 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of Kalra;

10) Claims 35-37 and 39-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of Ladd, et al. (*Using HTML 4, XML, and Java 1.2* (Que: December, 1998), p. 690; hereafter "Ladd"; and

11) Claims 42 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of Bronson.

APPLICANT'S ARGUMENTS

1) With regard to the rejection of Claims 1, 3, 5, 9, 12, 13, 15-17, 21, and 24 under 35 U.S.C. §102(b), the Applicant previously argued that Bronson does not teach or suggest, "determining a temporal location in a streaming media presentation that corresponds to data of the media presentation that matches the search criteria," as recited in **Claim 1**.

The "Response to Arguments" cites the following passages from Bronson: col. 3, lines 26-29, which states:

> ...data from the data index 34 may be searched by the user to determine when a particular word or

phrase occurs in the audio-video data stored on the media 12;

col. 2, lines 31-35, which states:

> A conventional system would also include a revolution or frame counter, timing or other position or location data mechanism 20 to continuously indicate the location data unique to the audio-video data being monitored so that individual portions of the data may be identified for later selective retrieval;

and col. 4, lines 11 and 12, which states:

> ...timing data may also be provided on the timing bus 32, if required.

The Applicant submits that at col. 3, lines 26-29, Bronson is describing a user-interactive search of compiled word data 35 in voice recognition subsystem 28 that includes recognizable words from an audio portion of audio-video data (Bronson, col. 3, lines 10-13, 25, and 26). Clearly such search is not performed in a streaming media presentation, as in Claim 1. More precisely, the search is not performed to determine a temporal location in a streaming media presentation that corresponds to data of the media presentation that matches received search criteria, as in Claim 1.

At col. 2, lines 30-35, Bronson refers to a counter that enables a monitoring user to detect the occurrence of individual portions of data as they occur. This portion of the reference does not include any teaching of search criteria, as in Claim 1.

Finally, col. 4, lines 6-13 provides the context of cited col. 4, lines 11 and 12 of Bronson. The description therein merely provides that non-verbal data may be detected in the same manner as verbal data, as described above with

regard to Bronson, col. 3, lines 26-29. As the Applicant submits above, the description does not teach Claim 1.

That Applicant points out that both the previous and outstanding Office Actions, with regard to Claim 7, acknowledge that Bronson, "does not explicitly teach seeking to the temporal location and streaming the media presentation to a client based on the temporal location." Thus, in view of at least the acknowledged deficiency of Bronson and the distinctions pointed out by the Applicant, it is respectfully submitted that Claim 1 is distinguishable over Bronson. Further, rejected **Claims 3, 5, 9, 12, 13, and 15** depend from Claim 1, and are therefore also distinguishable over Bronson for at least the reasons set forth above.

Claim 16 recites a search engine, coupled to a memory device, to "determine whether any of the multimedia data streams corresponding to the multimedia presentation satisfy search criteria corresponding to the search request (emphasis added)." For at least reasons set forth above regarding Claim 1, the Applicant respectfully submits that Bronson is only related to the extraction of word and scene information (Bronson, col. 2, lines 48 and 49), and therefore fails to teach any determination of whether multimedia data streams satisfy a received search criteria.

Therefore, for at least the reasons set forth above, it is respectfully submitted that Claim 16 is distinguishable over Bronson. In addition, **Claims 17-24** depend from Claim 16, and are thus distinguishable over Bronson for at least the same reasons.

2) With regard to the rejection of Claims 25, 27, 33 and 38 under 35 U.S.C. §102(a) and (e), the Applicant previously argued that Kenner does not teach the claimed:

> a multimedia server, coupled to the network, to stream the streaming data to the client computer, the multimedia server including one or more index files corresponding to the streaming data and a search engine to check whether data in the index files matches search criteria received from the client computer (Claim 25).

In particular, the Applicant submitted that SRU 51 described by Kenner does not include index files corresponding to data streamed to a client computer, thus rendering moot any consideration therein for a search engine to check data in such index files, as recited in **Claim 25**.

The "Response to Arguments" cites Kenner, col. 8, lines 26-31 as teaching "user accesses to a database or index to retrieve desired video clips and other information;" col. 15, lines 24 and 25 as teaching "the local SRU contains a "local audio-visual index" and "actual audio-visual data;" and col. 9, lines 43-45 as teaching "...enables the local SRU to search its storage for requested video clips."

The description at col. 15, lines 27-34 continues as follows:

> The "local audio-visual index" comprises the following data fields:
> [Video ID], (Location Code), (Revision Code)
> The [Video ID] corresponds to a field in the text database and identifies the video clip. The (Location Code) specifies the exact storage location of the video clip within the local SRU 18. The (Revision

Code) indicates whether the stored version of the video clip is current,

The Applicant respectfully submits that nowhere in the Kenner reference, including the above cited passages, is there any teaching of a search engine "to check whether data in the index files matches search criteria received from the client computer" as recited in Claim 25. Rather, as seen from the above passage from col. 15, Kenner stores clips and catalogs their respective locations within an index, but there is no description of searching for a particular clip using search criteria, as claimed. Therefore, for at least the reasons provided above, Claim 25 is distinguishable over Kenner, as is **Claim 26**, which depends from Claim 25.

With regard to **Claim 27**, the Applicant previously argued that Kenner's description of PIM 64 at col. 24, lines 34-40 and 50-56 does not identically describe the claimed index server, which, upon receipt of a search request, is to, "check...whether any portion of the streaming data matches search criteria of the search request based at least in part on the contents of the index files." Instead, Kenner uses the clip attributes as parameters for determining whether a user is able to access a specifically requested clip. Thus, Kenner does not even contemplate searching the contents of the streaming data itself in response to a search request.

The "Response to Arguments" cites Kenner, col. 8, lines 26-31 as teaching "user accesses to a database or index to retrieve desired video clips and other information;" col. 15, lines 24-34 as teaching the stored audio-video data can be searched and retrieved using a Video ID that identifies the video clip of audio-video data.

The above reference to col. 8 of Kenner merely describes a search and query interface providing a user with access to a database or index to search for desired video clips. The above reference to col. 15 of Kenner describes the storing of clips and the cataloging of the respective locations of the clips within an index. Neither description teaches "check...whether any portion of the streaming data matches search criteria of the search request based at least in part on the contents of the index files (emphasis added)," as recited in Claim 27. Therefore, for at least the above reasons, it is submitted that Claim 27 is distinguishable over Kenner.

The "Response to Arguments" addresses the Applicant's previous arguments regarding **Claims 33-37 and 42** collectively, although the Applicant's previous arguments were directed only to presently rejected Claims 25, 27, 33 and 38, which are/were rejected under 35 U.S.C. §102(a) and (e).

With regard to **Claim 33**, from which Claims 34-37 depend, the Applicant previously argued that Kenner does not teach the claimed "generating a markup document describing how the plurality of media streams are to be presented and referencing the locally stored plurality of media streams." Instead, Kenner describes either a list of available video clips being transmitted to a user (col. 18, lines 44-45), an HTML browser having audio-video playback (col. 20, lines 22-23; col. 21, lines 23-25), or a reference to a clip being embedded within the HTML of a web page (col. 23, lines 32-33). None of these descriptions in the reference teach a markup document describing how plural media streams are to be presented.

The "Response to Arguments" again asserts that Kenner describes the claimed "generating a markup document describing how the plurality of media streams are to be presented and referencing the locally stored plurality of media streams" at col. 23, lines 32-33. The Applicant respectfully submits that, not only does Kenner not describe the markup document describing how the plurality of media streams are to be presented, but clearly Kenner fails to even contemplate the further "referencing the locally stored plurality of media streams" (emphasis added) as recited in Claim 33. More particularly, col. 23, lines 32-35, describe the media streams being remotely stored, as shown by, "When the user's browser 82, e.g. Netscape Navigator, receives the reference, supplied for example within an EMBED tag, an immediate request is made of the Web server 83 to transmit the embedded file."

Therefore, for at least the reasons provided above, Claim 33 is distinguishable over Kenner, as are Claims 33-37, which depends from Claim 33.

With regard to **Claim 42**, the above portions of Kenner describe remotely stored files, while Claim 42 recites that plural index files are stored locally at a client computer. Thus, Claim 42 is distinguishable over Kenner as well, insofar as the "Response to Arguments" applies thereto.

3) With regard to the rejection of **Claims 2, 4, 10, 11, 14, 18-20, 28, and 30-32** under 35 U.S.C. §103(a), the "Response to Arguments" does not respond to any of the Applicant's previous arguments regarding Claims 2, 4, 10, 11, 14, 18-20.

The "Response to Arguments" addresses **Claims 28 and 29** collectively, even though the claims were rejected separately, in both the previous and outstanding Office Action. Regardless, the Applicant previously argued that neither Bronson nor Kenner describe "receiving an indication of whether the search criteria match any portion of the streaming media presentation," as recited in Claim 28. Rather, Bronson describes indexing word and scene data from particular stored media and Kenner uses attribute data of an identified clip to determine a user's subscription rights to the specifically requested clip. Neither reference attempts to match search criteria to a portion of a streaming media presentation.

The "Response to Arguments" cites col. 3, lines 29-42 of Bronson to illustrate how terms are identified in audio-video data. However, whereas Claim 28 recites "transmitting the set of search criteria to a server; and receiving an indication of whether the search criteria match any portion of the streaming media presentation," the cited portion of Bronson describes, "In the simplest application, data from the data index 34 may be searched by the user to determine when a particular word or phrase occurs in the audio-video data stored on the media 12," (Bronson, col. 3, lines 26-29). Clearly, the description provided by the reference fails to anticipate the recitation of Claim 28, as well as dependent Claim 29.

4) With regard to the rejection of **Claim 6** under 35 U.S.C. §103(a), the Applicant previously argued that Claim 6 depends from Claim 1, and is therefore distinguishable over Bronson for at least the same reasons used to distinguish Claim 1 from Bronson. Further, Kalra does not address the

deficiencies of Bronson, with respect to Claim 1. That is, Kalra does not compensate for Bronson's lack of teaching of "determining a temporal location in a streaming media presentation that corresponds to data of the media presentation that matches the search criteria." In particular, whereas Bronson describes retrieving compiled audio-video data and indexing the location of particular words from the video/audio in a data index (Bronson, col. 3, lines 10 - 14), Kalra describes tailoring streams accessed from a server to match a profile corresponding to a client computer to maximize the resolution of the 3D, audio, and video components (Kalra, col. 2, lines 30-50, cited again in the "Response to Arguments"). Thus, the proposed combination of Bronson and Kalra fails to render independent Claim 1, from which Claim 6 depends, obvious.

5) **Claim 7** was previously rewritten in independent form to include the features of Claim 1, from which Claim 7 originally depended. Therefore, Claim 7, from which **Claims 8, 44, and 45** depend, is distinguishable over Bronson for at least the reasons set forth above distinguishing Claim 1 from Bronson. More particularly, Claim 7 recites that the temporal location in a streaming media presentation corresponding to data of the media presentation matching the search criteria includes a particular term or element of the streaming media presentation. This feature is not taught or suggested by Branson or Abbott. Further, it is again acknowledged that Bronson, "does not explicitly teach seeking to the temporal location and streaming the media presentation to a client based on the temporal location."

The "Response to Arguments" cites the following passages from Bronson: col. 3, lines 26-29, col. 2, lines 31-35, and col. 4, lines 11 and 12, which were all discussed above in item 1) regarding the rejection of Claims 1, 3, 5, 9, 12, 13, 15-17, 21, and 24 under 35 U.S.C. §102(b).

Thus, the Applicant once again submits that at col. 3, lines 26-29, Bronson is describing a user-interactive search of compiled word data 35 in voice recognition subsystem 28 that includes recognizable words from an audio portion of audio-video data (Bronson, col. 3, lines 10-13, 25, and 26). Clearly such search is not performed in a streaming media presentation, as in Claim 7. More precisely, the search is not performed to determine a temporal location in a streaming media presentation that corresponds to data of the media presentation that matches received search criteria, as in Claim 7.

At col. 2, lines 30-35, Bronson refers to a counter that enables a monitoring user to detect the occurrence of individual portions of data as they occur. This portion of the reference does not include any teaching of search criteria, as in Claim 7.

Finally, col. 4, lines 6-13 provides the context of cited col. 4, lines 11 and 12 of Bronson. The description therein merely provides that non-verbal data may be detected in the same manner as verbal data, as described above with regard to Bronson, col. 3, lines 26-29. As the Applicant submits above, the description does not teach Claim 7.

The above deficiencies of Bronson, relative to Claim 7, are not compensated for by Abbott. The Applicant made this assertion in the previous Amendment, and the "Response to Arguments" does not counter. Therefore, the

Applicant respectfully maintains that Claim 7, as well as dependent Claims 8, 44, and 45 are distinguishable over Bronson and Abbott for at least the reasons set forth above.

6) The "Response to Arguments" addresses the Applicant's previous arguments regarding the rejection of **Claim 22** under 35 U.S.C. §103(a) along with Claim 16, from which Claim 22 depends. Therefore, the Applicant submits that Claim 22 is distinguishable over Bronson for at least the reasons provided above regarding Claim 16.

7) With regard to the rejection of Claims 23 and 29 under 35 U.S.C. §103(a), it is noted that the "Response to Arguments" does not address the Applicant's previous arguments regarding **Claim 23**. Therefore, the Applicant respectfully maintains the arguments distinguishing Claim 23 over Bronson, Kenner, and Abbott.

As set forth above, the "Response to Arguments" addresses Claim 28 and **Claim 29** together, even though the claims were rejected separately, in both the previous and outstanding Office Action. The Applicant respectfully submits that Claim 29 is distinguishable over Bronson, Kenner, and Abbott for at least the reasons set forth above regarding Claim 28, from which Claim 29 depends.

8) With regard to the rejection of Claim 26 under 35 U.S.C. §103(a), the Applicant previously argued that **Claim 26**, which depends from Claim 25, is

distinguishable over Kenner for reasons provided above. The Applicant maintains that position.

In particular, although Kenner states that, "local SRU 51...is linked by a communication line 52 to the Internet service provider's ("ISP's") head-end network interface," (col. 20, lines 14-18), there is no teaching or suggestion that SRU 51 includes index files corresponding to data streamed to a client computer, thus rendering moot any consideration therein for a search engine to check data in such index files. Abbott does not compensate for such deficiency, nor is such assertion made in the rejection.

Further, Abbott indicates that the object hierarchy allows program material to be transmitted to a viewer in different manners without changing or modifying the program material itself (col. 5, lines 29-37). That feature does not suggest that the client computer includes a demultiplexer to separate streaming data into individual data streams as recited in Claim 26. Rather, Abbott describes the program material being transmitted differently. One is not necessarily suggestive of the other.

The "Response to Arguments" cites col. 5, lines 29-46 of Abbott as describing media files being separated. The Applicant submits, however, that Abbott still does not describe a client computer having a demultiplexer to separate streaming data into individual media streams, and a data server to save the individual media streams at the client computer, as in Claim 26.

Therefore, Claim 26 is distinguishable over Kenner and Abbott for at least the reasons set forth above.

9) With regard to the rejection of Claim 34 under 35 U.S.C. §103(a), it is again noted that the "Response to Arguments" addresses the Applicant's previous arguments regarding **Claims 33-37 and 42** collectively, although the Applicant's previous arguments were directed only to presently rejected Claims 25, 27, 33 and 38, which are/were rejected under 35 U.S.C. §102(a) and (e).

Claim 34 depends from Claim 33, and is therefore distinguishable over Kenner for the reasons set forth above regarding Claim 33. It is further submitted that Kenner does not compensate for such deficiencies of Kenner, relative to Claim 33.

10) With regard to the rejection of Claims 35-37 and 39-41 were rejected over Kenner in view of Ladd, et al. (*Using HTML 4, XML, and Java 1.2* (Que: December, 1998), p. 690; hereafter "Ladd" under 35 U.S.C. §103(a), it is noted that the "Response to Arguments" addresses the Applicant's previous arguments regarding **Claims 33-37** collectively, and therefore presently rejected Claims 35-37 are distinguishable over Kenner for the reasons provided above relating to Claim 33.

Claims 39-41 were not addressed in the "Response to Arguments" and therefore the Applicant maintains the arguments provided in the previous Amendment to distinguish Claims 39-41 over Kenner and Ladd.

11) With regard to the rejection of Claims 42 and 43 under 35 U.S.C. §103(a), the Applicant previously argued that it is acknowledged in the rejection

that Kenner does not teach receiving a plurality of index files corresponding to a plurality of multimedia data streams. It is further acknowledged in the Office Action, in reference to the rejection of other claims, that Bronson does not teach or suggest indexing multiple media data streams. Thus, one of ordinary skill would have no motivation to combine Kenner and Bronson as suggested in the present rejection. The resulting combination would maintain an index of word and scene data for a single media stream, with no motivation to maintain such an index for multiple media data streams.

The "Response to Arguments" cites Bronson, col. 3, lines 23-25 and col. 4, lines 24-26 as teaching "a plurality of index files corresponding to the plurality of multimedia data streams." The Applicant respectfully disagrees. Rather, Bronson is describing a user-interactive search of data index 34 for compiled word data 35 in voice recognition subsystem 28 that includes recognizable words from an audio portion of audio-video data (Bronson, col. 3, lines 10-26). There is no teaching or suggestion of index files corresponding to plural multimedia data streams, as recited in **Claim 42**.

Claim 43 depends from Claim 42, and is distinguishable over Kenner and Bronson for the same reasons as Claim 42.

CONCLUSION

For at least the reasons presented in the arguments of November 18, 2003, and the Applicant's above rebuttals to the "Response to Arguments," it is respectfully submitted that the outstanding rejections of pending Claims 1-45 should be reconsidered and withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

Lee & Hayes, PLLC

Date: April 6, 2004

David S. Lee
Reg. No. 38,222
(206) 315-4001

Lee & Hayes, PLLC
816 Second Avenue, Suite 200
Seattle, WA 98104